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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,616	01/05/2004	Richard A. Chapman	END920030134US1	2422
30449 7590 01/23/2009 SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110				
EXAMINER				
ULRICH, NICHOLAS S				
ART UNIT		PAPER NUMBER		
2173				
MAIL DATE		DELIVERY MODE		
01/23/2009		PAPER		

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/751,616
Filing Date: January 05, 2004
Appellant(s): CHAPMAN, RICHARD A.

Jack P. Friedman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/04/2008 appealing from the Office action mailed 11/04/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: Appellants statement identifies one

of the 35 USC 103(a) references as Sheldon et al. (US 5954798). The actual reference is Shelton et al. (US 5954798).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5954798	Shelton et al.	9-1999
2002/0198941 A1	Gavrilescu et al.	12-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton et al. (US 5954798) and Gavrilescu et al. (US 2002/0198941 A1).

For explanation purposes terminal 104A of Shelton with web browser 114A of Shelton is considered the second browser or consultant browser, where the second user is using terminal 104A of Shelton.

In regard to claim 47, Shelton discloses a method of assisted browser navigation, said method comprising:

a server creating a user context that reflects a context of a session between a user browser and the server (*Column 2 lines 25-30*);

said server creating a consultant context that reflects a context of a session between a consultant browser and the server (*Column 2 lines 25-30*);

second user navigating to the desired information using the consultant browser (*Fig 9 element 902 and Column 12 lines 7-9*);

responsive to the second user navigating to the desired information, said consultant browser transmitting to the server context information identifying an access to the desired information; said server receiving the transmitted context information and storing the received context information in the consultant context (*Column 5 lines 52-67, Column 7 lines 22-28, Column 7 lines 33-35, and Column 7 line 58- Column 8 line 23: a session is created for browser 114A. A session included tracking and recording of activities of the browser where the activities include loading, interacting, and unloading of web pages. This directly relates to context information*);

said server receiving from the consultant browser a request for an identifier pertaining to the context information; said server generating the identifier in response to

the received request, said identifier not being a Universal Resource Locator (URL) (*Fig 2, Fig 3, and Column 6 line 62- Column 7 line 33: the request for the identifier from the second (consultant) browser is performed when the browser has been directed to the specific URL for web page 204 in server 52. The second browser is executing in terminal 104A*);

after said generating the identifier, said server generating an association relating to the identifier, said association associating the identifier with the context information by comprising a pointer to the context information (*Column 7 lines 34-35*);

after said generating the association, said server storing the identifier and the association in a repository coupled to the server and providing the identifier to the consultant browser (*Column 6 lines 59-61: database stores information for created sessions*);

after said server providing the identifier to the consultant browser, said consultant browser providing the identifier to the second user (*Column 12 lines 19-23: the web page displays the current session ID*);

after said consultant browser providing the identifier to the second user, said second user providing the identifier to the first user via telephone or email from the second user to the first user; after said second user providing the identifier to the first user, said user browser receiving the identifier from the first user; after said user browser receiving the identifier from the first user, said server receiving the identifier from the user browser, wherein said receiving the identifier from the user browser

comprises retrieving the identifier from a data entry field of a web page after the user browser has entered the identifier into the data entry field (*Column 12 lines 28-39*);

after said server receiving the identifier from the user browser, said server identifying the stored identifier in the repository from the received identifier and using the stored association relating to the identifier to identify the context information stored in the consultant context (*Column 14 lines 20-25*);

after said server using the stored association, said server storing the identified context information in the user context, wherein the server is configured to transmit the context information in the user context to the user browser for enabling the user to access, via the user browser, the desired information (*Column 14 lines 23-42 and Column 13 lines 26-37*).

While Shelton teaches synchronizing browsers, they fail to show the identifying to a second user via telephone or email information that the first user is unable to locate and desires to obtain as recited in the claims. Gavrilesco teaches a method similar to that of Shelton. In addition, Gavrilesco further teaches using web browser synchronization to aid a customer service representative in leading a customer to locations on a web page (*Paragraph 0003: as one skilled in the art knows, customer service representatives are regularly contacted via telephone or email*).

It would have been obvious to one of ordinary skill in the art, having the teachings of Shelton and Gavrilesco before him at the time the invention was made, to modify the synchronization taught by Shelton to include the customer service of Gavrilesco, in order to obtain web synchronization for use by a customer service

representative to guide a user to information on a web page. One would have been motivated to make such a combination because implementing web browser synchronization for guiding a user to information is well known in the art, as described by Gavrilescu (*Paragraph 0003*).

In regard to claim 48, Shelton clearly discloses that all the method steps shown in claim 47 are implemented in a server (*Fig 1 element 134*). Therefore the rejections articulated *supra* as to why the combination of Shelton and Gavrilescu teach the claimed subject matter of claim 47 apply to claim 48.

(10) Response to Argument

Before addressing each of appellants' arguments in detail, it should be understood that appellant is making incorrect assumptions of the examiners position throughout the arguments. All of the presented arguments are based on the fact that the cited portions of the cited references in the rejections of the claim 47 and 48, fail to disclose each limitation. It appears that appellant is not considering each reference as a whole and is only relying on the examiner's cited portions to teach each limitation, especially for the Shelton (US 5954798) reference. However, in order for the rejections to make sense, the entire disclosure of Shelton must be considered and understood. The examiner has done his best to identify key locations throughout the reference that provide support as to why it is believed that the reference teaches the limitations and

would lead one skilled in the art to determine that the reference does in fact teach the limitations.

As summarized on pg 6 of the Final Office action dated 8/01/2008, Shelton et al. (US 5954798) teaches web browser synchronization using unique identifiers to store the contextual information regarding a first browser, in order to instruct a second browser to synchronize with the first browser and display the same contextual information in the second browser as that in the first browser. This is accomplished by first designating the context of a first browser with a unique identifier stored in a data repository for later retrieval. The unique identifier is provided to the second browser in order to access the stored information and bring the second browser to an identical state as the first browser, wherein the first browser can locate information on a web page and direct the second browser to that information. Further, Gavrilesco et al. (US 2002/0198941 A1) teaches us that cobrowsing or web browser synchronization is useful for customer service representatives to guide a user to information on a web page.

The examiner will now address each and every argument presented by appellant in detail.

In regard to appellant arguments regarding claim 47:

Appellant first argues that Shelton in view of Gavrilescu does not teach or suggest the feature: "a server creating a user context that reflects a context of a session between a user browser and the server". The examiner respectfully disagrees.

To show this limitation in Shelton, the examiner cited Col. 2 lines 25-30. Described in this cited passage is a method for retrieving pages at a user browser, performing activities to the retrieved pages, and recording the activities for each of the user browsers at the network site. It is the examiners position that the recorded activities of each of the browsers, is the created context of a session between a user browser and the server. To better understand the examiners position, further excerpts from the Shelton reference must be considered. Taught in Col. 7 lines 5-41, of the Shelton reference, is the creation of a new session between a browser and network site. A web browser first sends a request including the URL of a web page to HTTP server via a network; see Col. 7 lines 6-8. In response to the request the HTTP server retrieves web page and delivers it the web browser. Included with the retrieved page is a set of applet tags. The applet tags are used to retrieve and download a set of applets for use by the browser. When the web browser loads the retrieved web page, the applet tags are invoked to download the necessary applets to be run together with the web browser, see Col. 7 lines 14-26. One of the invoked applets, referred to as "Master Applet", sends a command to the server and in response to the command, the server creates a session for the browser, See Col. 7 lines 31-35. We have now established that Shelton does in fact teach creating a session between a browser and a server.

What is left in question is if the created session taught by Shelton includes a created user context that reflects the context of a session between the browser and the server. As indicated in appellants' current disclosure on pg 2 lines 9-10, the context may contain the history of the web browsers interaction with the server. As taught by Shelton in Col. 5 lines 52-56, the server is responsible for managing and tracking the activities of all browsers participating in active sessions, where the activities include loading of, interacting with, and unloading of web pages. Further in Col. 6 lines 37-38, Shelton teaches storing data received from a session participant.

Therefore, Shelton clearly teaches the limitation in question. When a user begins browsing a web page hosted by a server, applets associated with the web page are invoked. An invoked applet sends a message to server in order to create a session for the web browser. The server then manages, tracks, and records all the activities of the browser participating in the session. The recorded activities clearly demonstrate a context of a session between a browser and a server.

Appellant second argues that Shelton in view of Gavrilescu does not teach or suggest the feature: "a server creating a consultant context that reflects a context of a session between a consultant browser and the server", as recited in independent claim 47. The examiner respectfully disagrees.

In response this argument, the examiner incorporates the response above to appellants' first argument. The only difference between the limitations is the use of "consultant" instead of "user" when labeling the browsers and context. As indicated in

the cited passages of Shelton, all browsers, whether labeled as a "user" browser or "consultant" browser, are managed and tracked by the server in order to establish sessions and record activities associated with the browsers and server. Therefore Shelton does in fact teach creating context for two browsers, which could be labeled as "user" and "consultant" respectively.

Appellants' third argument is that Shelton in view of Gavrilesco does not teach or suggest the feature, "a first user of the user browser identifying to a second user of the consultant browser by communication via telephone or email from the first user to the second user, information that the first user is unable to locate and desires to obtain". The examiner respectfully disagrees.

Appellant admits, on pg 10 lines 13-14 in the Appeal brief filed 12/04/2008, that Gavrilesco discloses cobrowsing between a user and a customer representative. Gavrilesco goes on further to teach in paragraph 0003 that "the representative may lead the cobrowsing session, showing the customer where certain products are described on the web site". It is the examiners position that in order for the representative to show a customer where certain products are described on a web site, the customer must identify what product they are trying to locate. It is well known in the art that customer representatives provide support for customers when trying to locate particular information. It is evident from Gavrilesco's disclosure that a user will identify information that they are unable to locate in order for the representative to lead the cobrowsing session and show the user where the identified products are located. Gavrilesco may

not explicitly disclose identifying information that the first user is unable to locate and desires to obtain, but one skilled in the art would recognize that cobrowsing between a customer representative and a customer provides this benefit by showing the customer where certain products are described on a web site. Further, it is well known in the art that a customer contacts a customer representative by phone or email.

Appellants' fourth argument is that Shelton in view of Gavrilesco does not teach or suggest the feature "responsive to the first user identifying the desired information to the second user, said second user navigating to the desired information using the consultant browser". The examiner respectfully disagrees.

As indicated above in the response to appellants' third argument, Gavrilesco does in fact teach "a first user of the user browser identifying to a second user of the consultant browser by communication via telephone or email from the first user to the second user, information that the first user is unable to locate and desires to obtain" and further teaches "the representative may lead the cobrowsing session, showing the customer where certain products are described on the web site". Therefore Gavrilesco teaches the preceding feature of claim 47 and also "second user navigating to the desired information using the consultant browser". Gavrilesco may not explicitly disclose the limitation in question, but it is evident to one skilled in the art that a representative leading a cobrowsing session, showing a customer where certain products are described on the web site, provides the same benefit as the limitation in question.

Appellants' fifth argument is that Shelton in view of Gavrilescu does not teach or suggest the feature "responsive to the second user navigating to the desired information, said consultant browser transmitting to the server context information identifying an access to the desired information; said server receiving the transmitted context information and storing the received context information in the consultant context". The examiner respectfully disagrees.

As evident from the examiners cited portions, especially col. 7 line 58 – col. 8 line 23, a user using web browser 114A loads a web page. When loading the web page, a set of applets are invoked that initiate a session between the server and the browser. While the user is browsing the web site, all context information (URL's and commands) is stored within the created session. This created session can then be retrieved by entering the unique session ID associated with the session. When retrieving the created session, a second browser is brought to the same context as that of the first browser (114A) which created the session. Therefore, browser 114A navigates to desired information, and while navigating, the server is recording and storing all of the activities associated with the navigating into a session table, see Fig 6. The data stored in the session table can then be retrieved by a second browser in order to synchronize the browsers and view the exact same information that browser 114A has identified in the session between the browser and the server.

Appellants' sixth argument is that Shelton in view of Gavrilesco does not teach or suggest the feature "said server receiving from the consultant browser a request for an identifier pertaining to the context information; said server generating the identifier in response to the received request, said identifier not being a Universal Resource Locator (URL)". The examiner respectfully disagrees.

Appellant states that the examiner views "request for an identifier" as directing the server to the specific URL for web page and also appellant suggests that the examiner believes the identifier as being a Universal Resource Locator (URL). However, none of appellants' assumptions are correct. As discussed in the response to appellants' first argument, in Col. 7 lines 5-41 of the Shelton reference, Shelton teaches the creation of a new session between a browser and network site. A web browser first sends a request including the URL of a web page to HTTP server via a network; see Col. 7 lines 6-8. In response to the request the HTTP server retrieves web page and delivers it the web browser. Included with the retrieved page is a set of applet tags. The applet tags are used to retrieve and download a set of applets for use by the browser. When the web browser loads the retrieved web page, the applet tags are invoked to download the necessary applets to be run together with the web browser, see Col. 7 lines 14-26. One of the invoked applets is identified by Shelton as "SessionID" applet. Shelton further teaches in Col. 7 lines 31-35, "an ID unique to browser 114A" and "creates a session for browser 114A based on the unique ID". It is the examiners position that the identifier is the unique ID used to create a session. The

request for the unique ID is performed by the "SessionID" applet once it is invoked by the retrieved web page.

Appellants' seventh argument is that Shelton in view of Gavrilescu does not teach or suggest the feature "after said generating the identifier, said server generating an association relating the identifier, said association associating the identifier with the context information by comprising a pointer to the context information". The examiner respectfully disagrees.

To teach this limitation, the examiner referenced col. 7 lines 34-35 of Shelton. Discussed in this passage is the creation of session based on a unique ID. To further define the session, Shelton's entire disclosure must be considered. As taught in Fig. 6 and col. 9 line 27 through col. 10 line 54, each created session maintains a session table. Within the session table is a collection of information about the interaction between all the browsers and the web pages. As indicated in the examiner response to the appellant's first and second arguments, the collected interactions are the context information of the browsers. Therefore, when a session is created it is associated with a unique ID. The unique ID is used to identify the session within a session table. The session table stores the context information of user browsers interacting with web pages. Therefore, Shelton clearly teaches an association associating the identifier with context information by comprising a pointer to the context information.

Appellants' eighth argument is that Shelton in view of Gavrilesco does not teach or suggest the feature "after said generating the association, said server storing the identifier and the association in a repository coupled to the server and providing the identifier to the consultant browser". The examiner respectfully disagrees.

Appellants continue to argue that the examiner is relying on a URL as the claimed identifier. As previously discussed the examiner is relying on a unique ID as the identifier, not a URL. Further, the cited portion of Shelton, Col. 6 lines 59-61, clearly recites that a database stores information for the created sessions. As previously discussed, the server is responsible for recording context information of the browsers; see Shelton col. 5 lines 52-56. Further, as previously discussed, a session table stores all information for created sessions, see col. 9 lines 24-32. Further, Shelton teaches a database stores all information for the sessions. Therefore, Shelton clearly teaches a server storing the identifier and association in a repository coupled to the server. Fig 1 of Shelton clearly shows the database attached to the server.

Appellants' ninth argument is that Shelton in view of Gavrilesco does not teach or suggest the feature "after said server providing the identifier to the consultant browser, said consultant browser providing the identifier to the second user". The examiner respectfully disagrees.

The claim language suggests that the browser receives the identifier from the server and then displays the identifier to the user of the browser. Shelton clearly discloses this in col. 12 lines 19-23. Again appellant is arguing that the examiner

alleges that the identifier in Shelton is the URL for web page. As previously discussed, this is not the examiner position. The examiner position is that the identifier is the unique session ID. As indicated by Shelton, in col. 12 lines 19-23, a consumer is browsing a web page at terminal 104A. On the web page, SessionID Applet displays the current session ID. Therefore, Shelton clearly teaches the browser providing the identifier to the user.

Appellants further argue that consultant browser 114A is not even mentioned in Shelton, col. 12, lines 19-23. The examiner disagrees. It appears as if appellant is only relying on the examiner cited portions. However, the entire reference should be considered. If appellant were to read the preceding paragraph, col. 12 lines 7-10, it is clearly cited that terminal 104A is browsing web pages via browser 114A.

Appellants' tenth argument is that Shelton in view of Gavrilesu does not teach or suggest the feature "after said consultant browser providing the identifier to the second user, said second user providing the identifier to the first user via telephone or email from the second user to the first user; after said second user providing the identifier to the first user, said user browser receiving the identifier from the first user; after said user browser receiving the identifier from the first user, said server receiving the identifier from the user browser, wherein said receiving the identifier from the user browser comprises retrieving the identifier from a data entry field of a web page after the user browser has entered the identifier into the data entry field". The examiner respectfully disagrees.

Again appellant is arguing that the examiner alleges that the identifier in Shelton is the URL for web page. As previously discussed, this is not the examiner position. The examiner position is that the identifier is the unique session ID.

Shelton, col. 12 lines 28-29, clearly teaches the identified limitations. As taught by Shelton, the consumer (which is using browser 114A at terminal 104A) tells the agent (which is using browser 114N at terminal 104N) via telephone the currently displayed session ID. The agent then types the current Session ID (which was given to the agent via telephone from the consumer) into a text box.

Appellant argues that Shelton discloses an alternative method, where the telephone is not used to relay the current session ID between the consumer and agent, and this shows that Shelton does not disclose the preceding features of claim 47. While it is true that this alternative method is different from what is claimed, it is not relied at all by the examiner for the rejection. Shelton teaches two different ways to relay the current session ID between the consumer and the agent. Shelton does not indicate that one method should be used instead of the other method. Shelton only states that either method could be used. Therefore, Shelton clearly teaches using a telephone to relay the current session ID between the consumer and the agent.

Appellant further argues that Shelton fails to disclose "said server receiving the identifier from the user browser". The examiner respectfully disagrees. While col. 12 lines 28-39 of Shelton may not disclose this limitation, the next paragraph col. 12 lines 40-46 teaches that after the session ID is entered into the text box, a command is sent to the server to retrieve the information associated with the session.

Appellants' eleventh argument is that Shelton in view of Gavrilesescu does not teach or suggest the feature, "after said server receiving the identifier from the user browser, said server identifying the stored identifier in the repository from the received identifier and using the stored association relating to the identifier to identify the context information stored in the consultant context". The examiner respectfully disagrees.

As discussed above, the Session ID is used to identify context information stored in the session table. Therefore, when a session ID is entered into the text box (as discussed in reply to appellants tenth argument) and then sent to the server, the server can then retrieve the information stored in the session table (which has been previously identified as context information in the response to appellants seventh argument) based on the received current session ID.

Appellants' twelfth argument is that Shelton in view of Gavrilesescu does not teach or suggest the feature, "after said server using the stored association, said server storing the identified context information in the user context, wherein the server is configured to transmit the context information in the user context to the user browser for enabling the user to access, via the user browser, the desired information". The examiner respectfully disagrees.

The cited portion of Shelton, col. 13 lines 26-37, teaches the steps required to synchronize two browsers. As indicated in col. 13 lines 35-37, "the web pages displayed in second browser window 1004 at terminal 104N are being synchronized

with the web pages being displayed at terminal 104A". As identified by Shelton, the synchronization is accomplished by retrieving the session information associated with terminal 104A and relaying it to the browser at terminal 104N, see Fig 9 and col. 12 line 7 – col. 13 line 37. So the collected information (context) during terminals 104A interaction with the server is retrieved and copied to terminal 104N participant list in the session table, see col. 12 lines 63-67. Then the browser at terminal 104N can retrieve the copied session information and synchronize with the browser at terminal 104A.

Appellant argues that web browser 114N is not even mentioned in Shelton, col. 14 lines 23-42 and col. 13 lines 26-37. The examiner disagrees. Browser 114N is clearly mentioned in col. 13 line 26.

Appellant argues that the examiner has not identified a user context in Shelton. The examiner disagrees. The examiner's response to appellant's first and second arguments reflects where in Shelton a user context is identified.

Appellants' thirteenth argument is that the examiner stated reasons as to why it is allegedly obvious to modify Shelton by the alleged teaching of Gavrilescu is not persuasive. The examiner respectfully disagrees.

Both Shelton and Gavrilescu are directed towards synchronization and cobrowsing of web sites. Both references teach bringing multiple browsers to an equal state (synchronization), wherein each browser is displaying the same information to respective users. So both references are from the same field of endeavor. It is evident from the numerous references cited by the examiner that there are numerous methods

for web cobrowsing and synchronization and also numerous uses for web cobrowsing and synchronization. It is obvious to one skilled in the art, that the uses and techniques described in the references can be combined. Gavrilesco mentions in paragraph 0003 that "cobrowsing is useful in many different situations. For example, in electronic commerce, a customer representative can cobrowse a merchant's web site with a customer. The representative may lead the cobrowsing session, showing the customer where certain products are described on the web site". Therefore, Gavrilesco provides the motivation for combining the references. One skilled in the art would look to previous cobrowsing methods (such as those described in Shelton) in order to implement cobrowsing in an electronic commerce situation.

Appellant argues that the cobrowsing described in Gavrilesco does not exist in Sheldon. The web browser synchronization is totally unrelated to the cobrowsing described in Gavrilesco. The examiner disagrees.

In order for a cobrowsing session to begin between two browsers, the browsers must be synchronized. As taught in Shelton, col. 13 lines 1-19, when joining a session in order to synchronize browsers, one of the browsers can be designated as leader and one as the follower. A leading browser will synchronize each activity with the follower browser and maintain the synchronization as the leader browser interacts with the server. Shelton may refer to it as synchronization, but one skilled in the art would recognize that synchronization is what is being done in the cobrowsing of Gavrilesco. The two are interrelated and similar for this reason.

In regard to appellant arguments regarding claim 48:

Appellants' arguments are the same as the arguments presented for claim 47. Therefore, all of the examiners responses to the arguments of claim 47 are incorporated to claim 48 arguments.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion to Examiners Answer

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/N. S. U./ 1/14/2009
Examiner, Art Unit 2173

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